IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| First Named Inventor | : | Timothy J. Bloch | |
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| Appln. No. | : | 10/081,921 | |
| Filed | : | February 20, 2002 | Group Art Unit: 2193 |
| Title | : | SYSTEM AND METHOD FOR DEPLOYING AND IMPLEMENTING SOFTWARE APPLICATION OVER A DISTRIBUTED NETWORK | Examiner: Mark P. Francis |
| Docket No. | : | J267.12-0001 | |

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Respectfully submitted,

KINNEY & LANGE, P.A.

Date: 11/30/06

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## SUPPLEMENT TO THE APPEAL BRIEF

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Sir:

This Supplemental Paper is in response to the Notification of Non-Compliant Appeal Brief mailed on October 31, 2006 by the Appeal Center Manager, which indicated that the Applicant should amend the Summary of Claimed Subject Matter to map the independent claims to the specification by page and line number and to the drawings, if any. As stated in M.P.E.P. § 1205.03(B), when the Office holds the brief to be defective solely due to the appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(C)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice.

Therefore, the Applicant has corrected the Summary of the Claimed Subject Matter section of the Appeal Brief to comply with the requirements of 37 CFR 41.37(c)(1)(v). The corrected Summary of the Claimed Subject Matter is provided as shown below.

## Summary of Claimed Subject Matter

The present invention, as set forth in independent claims 1, 8, and 16, is a system and method for deploying applications over a distributed network to an Internet-enabled device for interacting with a server. To deploy an application to the Internet-enabled device, the device downloads text files from the server. An application assembler, running on the Internet-enabled device, allows the Internet-enabled device to extract program logic from each of the downloaded text files and to assemble the retrieved program logic into a functioning application. The functioning application can then be run on the Internet-enabled device regardless of whether the device remains connected to the server.

This system is unique in the way applications are distributed to client devices. In particular, the application assembler (referred to in the specification as the Application Virtual Machine or "AVM") assembles a functioning application on a client device. Unlike prior art methods in which the application is run on the server as opposed to the client device, or in which executable code for an application must be downloaded to the client device, the present invention *assembles a functioning application on the client device* based on *text files downloaded from a server*. Therefore, the present invention may distribute a number of different applications to client devices by providing a number of unique text files that may be downloaded and assembled by the Internet-enabled devices. Summaries of the independent claims of the present invention are provided below. The highlighted terms identify differences between the present invention and the prior art.

Independent claim 1 recites "**an application assembler for storing on and running on the Internet-enabled device**, the application assembler for **downloading one or more text files** from the server, **retrieving program logic from each of the downloaded text files**, and **assembling the retrieved program logic into a functioning application** and **running the functioning application on the Internet-enabled device** regardless of whether the Internet-enabled device remains connected to the server."

The application assembler is shown in FIG. 2 as application virtual machine (AVM) (221). The specification also describes the application assembler and

the Internet-enabled device that stores and runs the application assembler at page 6, lines 15-20 and page 7, lines 14-17.

The Internet-enabled device is also shown in FIG. 2 as client device (10). The term Internet-enabled device, which broadly includes client devices, is described in the specification at page 6, line 27 – page 7, line 2.

Text files such as XML files (144), and the downloading of text files by the application assembler, is shown in FIG. 2 by the connection between AVM (221) and network server (131), which stores XML files (144). The downloading of one or more text files is further described in the specification at page 8, lines 5-8 and page 11, line 26 – page 12, line 3.

Retrieving program logic from each of the downloaded text files is described in the specification at page 18, lines 19-22 and page 22, lines 1-8.

Assembling the retrieved program logic into a functioning application is described in the specification at page 8, lines 5-8, page 11, line 20 – page 12, line 3, and page 20, lines 3-8.

Running the functioning application on the Internet-enabled device regardless of whether the Internet-enabled device remains connected to the server is described in the specification at page 11, line 20 – page 12, line 3.

Independent claim 8 requires "**a program assembler** for storing on and running on the Internet-enabled device, the program assembler for **downloading application logic files, retrieving embedded application logic from the application logic files,** and **building the computer program from the retrieved embedded application logic,** and running the computer program on the Internet-enabled device.

The program assembler is shown in FIG. 2 as application virtual machine (AVM) (221). The specification also describes the program assembler and the Internet-enabled device that stores and runs the program assembler at page 6, lines 15-20 and page 7, lines 14-17.

The Internet-enabled device is also shown in FIG. 2 as client device (10). The term Internet-enabled device, which broadly includes client devices, is described in the specification at page 6, line 27 – page 7, line 2.

Application logic files such as XML files (144) and image files (145), and the downloading of application logic files by the program assembler, is shown in FIG. 2 by the connection between AVM (221) and network server (131), which stores XML files (144). The downloading of application logic files is further described in the specification at page 8, lines 5-8 and page 11, line 26 – page 12, line 3, and page 15, lines 13-15.

Retrieving embedded logic from the application logic files is described in the specification at page 18, lines 19-22 and page 22, lines 1-8.

Building the computer program from the retrieved embedded application logic is described in the specification at page 8, lines 5-8, page 11, line 20 – page 12, line 3, and page 20, lines 3-8.

Running the computer program on the Internet-enabled device is described in the specification at page 11, line 20 – page 12, line 3.

Independent claim 16 requires "**storing and running a software module on a client device** of a user, **providing to the client device text files containing embedded application program logic** for the software module, the **text files containing embedded program logic for the computer program to the installed software module upon request; running the computer program assembled from the embedded program logic on the client device**; and enabling user interaction with the computer program running on the client device.

The software module is shown in FIG. 2 as application virtual machine (AVM) (221). The specification also describes the software module and the client device that stores and runs the software module at page 6, lines 15-20 and page 7, lines 14-17.

The client device is also shown in FIG. 2 as client device (10). The term client device is described in the specification at page 6, line 27 – page 7, line 2.

Text files such as XML files (144), and the providing of text files by the software module, is shown by the connection between AVM 221 and network server 131 in FIG. 2. The downloading of one or more text files is further described in the specification at page 8, lines 5-8 and page 11, line 26 – page 12, line 3.

Embedded program logic retrieved from the text files is described in the specification at page 18, lines 19-22 and page 22, lines 1-8.

Running the computer program assembled from the embedded program logic on the client device is described in the specification at page 11, line 20 – page 12, line 3.

Enabling user interaction with the computer program running on the client device is shown by the graphical user interface displayed in FIGS. 9 and 10. User interaction with the computer program is described in the specification at page 12, lines 3-14, and page 20, lines 3-8.

A summary of the system and method described with respect to independent claims 1, 8 and 16 is provided in the specification at page 37, lines 18-27.

Respectfully submitted,

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